

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

At the outset, Applicant notes with appreciation the courtesy of a personal interview extended by Examiner Cuong Nguyen to Applicant's representative, Chien Yuan. The personal interview was conducted on November 10, 2004.

Claims 1-19 and 21-38 are pending. The present amendment cancels claim 20 without prejudice or disclaimer, amends claims 21-31, and adds new claims 32-38. Applicant respectfully submits that support for amended claims 21-31 and for new claims 32-38 is self-evident from the specification as originally filed, including the original claims and drawings. Thus, no new subject matter is introduced by the foregoing amendment.

The Office Action rejected claims 20-27 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Krishnaswamy et al. (U.S. Patent No. 5,867,494; hereinafter "Krishnaswamy"). Further, claims 28 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Krishnaswamy in view of Katz (WO 96/34471). In addition, claim 30 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Krishnaswamy in view of Rautiola et al. (U.S. Patent No. 5,991,639).

Regarding the amendments to the specification, the specification is revised by the present amendment only to add standard specification headings, to correct typographical errors, and to amend the Abstract. Thus, no new subject matter is introduced by these amendments to the specification.

Regarding the changes to the drawings, Figures 1 and 2 are amended by the foregoing amendment only to include descriptive labels, which are supported by the corresponding portions of the originally-filed disclosure. Thus, no new subject matter is introduced by these amendments to the drawings.

At the personal interview, Examiner Nguyen indicated that claims 1-19 have been withdrawn from consideration, although the Office Action does not expressly indicate the status of claims 1-19. Further, Applicant notes that the Office Action does not reply to the arguments advanced in the Response to Restriction Requirement submitted on April 26, 2004, as required by MPEP 821.01, which states in relevant part:

Where the initial requirement is traversed, it should be reconsidered. If, upon reconsideration, the examiner is still of the opinion that restriction is proper, it should be repeated and made final in the next Office action...In doing so, the examiner should reply to the reasons or arguments advanced by applicant in the traverse.

Accordingly, Applicant respectfully requests in a subsequent Office Action a supplemental reply to the Response to Restriction Requirement in which the restriction is either made final, along with comments directed to the April 26th arguments, or withdrawn.

Regarding the prior art rejections, claim 20 is canceled by the foregoing amendment and, thus, the rejection of the same is rendered moot. However, new claim 32 is discussed below with respect to the cited art.

At the personal interview, Examiner Nguyen indicated that the foregoing amendment appears to overcome the art of record. For example, new independent claim 32 is drawn to a method for selling products over a mobile radio network, the method including, among other features:

...broadcasting offer information via the mobile radio network in accordance with a text messaging protocol to a plurality of participants in the mobile radio network...¹

...storing quantity information indicating an available number of the products provided by the vendor...²

...transmitting the token and the identification of the participant to the vendor;³

¹ See, e.g., Applicant's specification at Figures 1; and page 9, lines 17-32.

² See, e.g., *id.* at Figure 2; and from page 6, line 34, to page 7, line 10.

³ See, e.g., *id.* at Figure 2 (step 205); and at page 10, lines 21-29.

transmitting the token to the participant via the mobile radio network in accordance with the text messaging protocol;⁴ and
adjusting the quantity information based on the token.⁵

Krishnaswamy, in contrast, does not disclose or suggest any of the above-referenced features of new claim 32. Rather, Krishnaswamy is directed to a system for video conference billing based on call records. Krishnaswamy is, for example, completely silent on using a mobile radio network to broadcast offer information and to transmit a token to a participant in accordance with a text messaging protocol, as recited in new claim 32. As Krishnaswamy does not teach each and every feature of new claim 32, Krishnaswamy does not anticipate new claim 32.

Further, there is no suggestion in the prior art to modify the teachings of Krishnaswamy to arrive at the features of new claim 32 and, therefore, it is respectfully submitted that the prior art also fails to render obvious the present invention.

Accordingly, for at least the reasons discussed above, Applicant respectfully submits that new claim 32, and all claims depending therefrom, patentably defines over the art of record.

⁴ See, e.g., *id.* at Figure 2 (step 206); and at page 10, lines 30-34.


⁵ See, e.g., *id.* at Figure 2 (step 208); and at page 11, lines 32-34.

Application No. 09/720,523
Reply to Office Action of August 30, 2004

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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IN THE DRAWINGS

The attached sheets of drawings include changes to Figs. 1 and 2. These sheets, which includes Figs. 1 and 2, replace the original sheets including Figs. 1 and 2.

Attachment: Replacement Sheets